UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/SR.49
12 November 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 April 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. GALLEGOS CHIRIBOGA (Ecuador)

CONTENTS

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF ANGOLA

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-12272 (E)

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

The meeting was called to order at 3 p.m.

STATEMENT BY THE DEPUTY MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF ANGOLA

1. Mr. CHIKOTI (Angola) said that, in the year of the fiftieth anniversary of the Universal Declaration of Human Rights, the general feeling was that much remained to be done. The events in Rwanda, the former Yugoslavia, East Timor, etc., were reminders that there was still a long way to go. Since 1948, however, humankind had made giant strides in the field of human rights. Fifty years previously, most countries had been colonies and the world had still been dominated by racial discrimination, arbitrariness and obscurantism. Many things had changed since then and the international community had provided itself with better guarantees in the field of human rights. But disease, desertification, drought, war, illiteracy and many other scourges that afflicted a large part of mankind created situations in which human rights were not respected. To face those challenges, new guidance was urgently needed for international economic relations and particular emphasis had to be placed on sustainable development and foreign debt relief. For that purpose, it was not advisable to replace development aid with commercial exchanges, even preferential ones, for there could be no true commercial competition among economies that were not at the same level of development.

2. Despite foreign military aggression and internal conflict during the past two decades, Angola had taken many concrete measures to promote human rights; it had acceded to various international instruments and adopted laws that had radically transformed the political landscape and strengthened the rights of citizens. The country was currently involved in consolidating the process of national unity and reconciliation. With the establishment of peace, the normal functioning of democratic institutions had been achieved.

3. In its efforts to promote human rights, the Government of National Unity and Reconciliation had been assisted by the international community, particularly the United Nations, in ensuring the distribution throughout the country of the various human rights instruments and the relevant national laws. Through the United Nations Observer Mission in Angola (MONUA), the international community was helping the Government to organize national and regional seminars on human rights as a result of which provincial committees for human rights had been created. Programmes on human rights were regularly broadcast in local languages by Angolan radio and television and United Nations information programmes targeted the entire country.

4. A human rights department had been created within the Ministry of Justice to carry out activities throughout the country to raise awareness and to train trainers. An Assistant Attorney-General whose task was to monitor the observance of legality had been designated to work with the Office of the Attorney-General. The National Assembly had set up commissions responsible for receiving allegations of possible human rights violations from citizens and national or foreign institutions. The Ministry of the Interior had an inspection directorate which received and handled complaints against the police and monitored the behaviour of members of the police force. Civil as well as military courts had tried and sentenced individuals accused of violations of human rights. The Government was working on the establishment

of the National Commission of Human Rights, which would act as an intermediary between the Government and civil society and would be open to all sectors of society.

5. In 1998, Angola would submit its initial report to the Human Rights Committee in accordance with article 40 (a) of the International Covenant on Civil and Political Rights. The report would contain a full outline of the Government's actions to promote human rights in the country.

6. The dedication of the Angolan Government to human rights extended beyond the national territory and to all of Africa. In that connection, from 26 to 30 October 1998, Angola would host a Ministerial Conference on Human and People's Rights in Africa, during which the obstacles encountered in applying the African Charter of Human and People's Rights would be identified and the adoption of mechanisms to strengthen the capacity of African nations in the field of human rights would be recommended. The Angolan Government and the Organization of African Unity (OAU) would like to see the international community, and especially the United Nations, provide support to ensure the success of that Conference.

7. In conclusion, he took the opportunity to reiterate his country's solidarity with the people of East Timor in its struggle for self-determination. It encouraged the Secretary-General in his efforts to promote dialogue between Portugal, the administrative Power, and Indonesia with a view to reaching a just solution to the conflict.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1998/3 and Corr.1, 9, 12 to 15, 55 to 67, 68 and Add.1 to 3, 69 to 73, 113, 114, 126, 127, 130, 132, 138, 139, 140/Rev.1, 142, 143, 147 to 150, 152, 154, 163 and 164; E/CN.4/1998/NGO/7, 13, 39, 40, 93 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

8. Ms. EIVAZOVA (Observer for Azerbaijan) said that, since the settlement of Armenians in Transcaucasia in the mid-nineteenth century, the Azeri people had been subjected to forcible deportation from its historical lands and to massacres and genocide. The aggression by Armenia against Azerbaijan pursuant to the policy of establishing a mythical "Greater Armenia" had resulted in flagrant violations of human rights which came under the category of crimes against humanity. Over 20 per cent of Azerbaijan's territory was occupied and there were more than 1 million refugees and displaced persons in the country. All Azerbaijani towns and districts had been seized following the adoption of four Security Council resolutions calling for full respect for the sovereignty and territorial integrity of Azerbaijan and the inviolability of its borders.

9. Her delegation drew the Commission's attention to the fact that 4,820 Azerbaijani citizens, including 316 women, 60 children and 254 elderly persons, were on the list of hostages and missing persons.

The whereabouts of 867 of them were known: 229 were in Armenian territory and 638 in the occupied Azerbaijani territories. Hostages and prisoners of war were used by the Armenian authorities for forced labour and were subjected to inhuman treatment and torture. The majority of them were being detained by the Armenian side without the knowledge of the International Committee of the Red Cross.

10. In accordance with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, States had to take all necessary measures for the extradition of the persons responsible for such crimes. Her Government requested the international community to intensify its efforts to ensure the implementation of the relevant Security Council resolutions and achieve a peaceful settlement of the armed conflict between Armenia and Azerbaijan, in accordance with the principles of the settlement adopted at the last OSCE Summit in Lisbon.

11. Mr. FADZAN (Observer for Bosnia and Herzegovina) said that, over two years after the signature of the Dayton Peace Agreement, Bosnia and Herzegovina still had many problems. Although there had been remarkable achievements on the military part of the Agreement, the civilian part was still very complex: questions such as the return of refugees and displaced persons, full freedom of movement, the right to own property and freedom of expression, to name only a few of the most important, still had not been completely settled. The war criminals also had to be brought to justice. However, the main obstacle to the speedy recovery of Bosnia and Herzegovina and the building of a fully democratic regime and a multilateral society was the extreme nationalism and separatism of some political quarters. The role of the international community was essential and the conditionality of the international community's financial and economic assistance had to be maintained.

12. The Constitution of Bosnia and Herzegovina offered an impressive legal framework for the protection of human rights. Human rights organizations such as the Ombudsman and the National Human Rights Commission were also playing an increasingly larger role. The authorities of Bosnia and Herzegovina were working to guarantee the greatest possible respect for human rights in accordance with internationally accepted standards, as well as to join European institutions. They welcomed the work carried out by Mrs. Rehn, former Special Rapporteur on Bosnia and Herzegovina and now Special Representative of the United Nations Secretary-General in Bosnia and Herzegovina, and assured her of their cooperation. They would like the Commission to take account of the following points in the resolution it would adopt: systematic building of a legal system and institutions based on the rule of law; strengthening of cooperation with the International Criminal Tribunal for the former Yugoslavia and more efficient and urgent measures for the arrest of the war criminals; additional efforts with regard to housing, but particularly with regard to jobs, with a view to the return of refugees and displaced persons; increased financial and material support to search for missing persons; holding of free and fair elections; establishment of free and independent media; and encouraging the religious communities to continue working for reconciliation.

13. Mr. MCHUMO (Observer for the United Republic of Tanzania) said that, as a neighbouring country, Tanzania was keeping a close watch on events in Burundi and had taken note with keen interest of the third report by Mr. Pinheiro, Special Rapporteur on the situation of human rights in that country (E/CN.4/1998/72 and Add.1). It shared the Special Rapporteur's point of view that the situation was still uncertain and differed from one province to another. It could testify to the fact that refugees from the camps in Tanzania had returned spontaneously to safe areas in Burundi. It was concerned about the execution of 6 persons after what had clearly been a defective trial and about the fate of 71 persons who had been sentenced to death following similar trials. It was also worried about the proliferation of arms in Burundi. Nevertheless, it did not share Mr. Pinheiro's view that "It is important to be clear that what is meant in speaking of democratization in Burundi is not a reduction of democracy to electoral practice based on the principle of one man, one vote". There should be no derogation from the basic principle of "one man, one vote" to protect the Buyoya regime.

14. With regard to the sanctions imposed on Burundi by the neighbouring countries following the military coup on 25 July 1996, his Government considered it unfortunate that the Special Rapporteur continued to misrepresent the facts and wrongly state that the sanctions were a violation of human rights. The activities of the Special Rapporteurs must be impartial, objective and non-selective. However, the Special Rapporteur had, for example, not noted that the countries of the region were very sensitive to the plight of women and children and that the sanctions had been calibrated to take account of humanitarian concerns. The purpose of the sanctions was not to punish, but to nudge the peace process forward. Even some political parties in Burundi, including FRODEBU, which had won the elections in 1993, had urged a tightening of the sanctions. The Government of Tanzania also rejected the Special Rapporteur's call for an assessment of the sanctions by an independent mechanism, as well as his request that refugee camps which had been in their present location for decades and had never been a source of problems should be moved further inland by UNHCR and the Government of Tanzania itself.

15. The CHAIRMAN invited delegations to exercise their right of reply.

16. Mr. MERIC (Observer for Turkey) said that he deplored the tendentious and unfounded accusations made against his country by the representative of the European Union. Those accusations, which were repeated every year without regard for the fact that Turkey was trying to guarantee the exercise of human rights and was cooperating candidly with United Nations human rights mechanisms, were political; they might, however, be more convincing if the European Union recognized its own human rights problems, such as the discrimination and ill-treatment to which migrant workers were subjected in Europe. It was also difficult to understand why the European Union insistently urged that the Special Rapporteur on torture and the Working Group on Enforced or Involuntary Disappearances should visit Turkey as soon as possible, whereas they had already been invited to do so and it was natural that the visit should take place on agreed dates. The representative of the European Union had stated that terrorism in Turkey arose from what it called the conflict in the south-east. That approach was misleading because terrorism did not stem from a conflict in one region of Turkey. What it

involved was, rather, nationwide separatist violence by an illegal organization that was sustained from without. His Government was determined to combat separatist terrorism and to proceed on the path towards democracy and the protection of human rights.

17. Other speakers, including representatives of non-governmental organizations, had also formulated unfounded accusations. He informed the observer for Norway that there was no minority in Turkey based on ethnic origin. Every citizen of Turkey, regardless of ethnic origin, had the same rights and obligations and was free to enjoy distinct cultural rights. In reply to the statements made by the observer for Greece and the Greek Cypriot observer, he said that the Cyprus issue was a political one in all its aspects. In speaking of human rights in Cyprus, reference should first of all be made to the situation in the early 1960s, when the Turkish Cypriot community had been subjected to merciless harassment and annihilation by the Greek Cypriots assisted by Greece. The Greek side was very careful not to mention the period between 1963 and 1974.

18. Mr. EFTYCHIOU (Observer for Cyprus) said that Cyprus was a sovereign and independent country, despite what might be said by the observer for Turkey, who was defending the indefensible and wanted to give the impression that Turkey alone was right about Cyprus, whereas the entire international community had adopted an unambiguous position against the Turkish invasion and occupation, not to mention countless resolutions on the question. He was trying to make people believe that 200,000 persons had not been driven out of their homes and that there was no occupation army of 35,000 soldiers on the island or that the fact that nearly 110,000 Turkish settlers had settled in Cyprus was not a violation of the fourth Geneva Convention. Soon, Turkey would be requesting the Cypriots to excuse themselves for asking to be able to enjoy their basic rights and daring to call the occupation by its name. The Turkish attitude was, however, not new and now was not the first time that Turkey had tried to make its wish for territorial expansion come true at the expense of neighbouring countries. The observer for Turkey had referred to the 1960s, but it should be pointed out that, in 1954, even before the establishment of the Republic of Cyprus, the Turkish Minister for Foreign Affairs had stated that Cyprus was an extension of Turkey and should be part of it because of geographical proximity. On 14 September 1963, moreover, the Turkish Cypriot leader, Mr. Denktas, had signed a document clearly spelling out Turkey's designs on Cyprus.

19. Mr. MANOUSSAKIS (Observer for Greece) said that he fully supported the statement made by the observer for Cyprus. Noting that the observer for Turkey had once again tried to divert attention from his country's responsibility in the Cyprus issue, he said that matters as serious as occupation, settlement and missing persons could not be resolved by putting the blame on the other side by means of groundless allegations. Greece and the international community were asking Turkey to implement United Nations resolutions in accordance with the Charter. More specifically, Turkey must withdraw its troops from Cyprus and, in accordance with the Treaty of Guarantee, comply with its obligations concerning respect for the territorial integrity of the Republic of Cyprus.

20. Mr. MERIC (Observer for Turkey) noted that the period between 1963 and 1974 had been overlooked by the Greek and Cypriot delegations. He drew attention to the report by the Secretary-General dated 22 November 1993 (S/26777), in which the Secretary-General said that the paranoia of the Greek Cypriot press also affected the members of the Greek Cypriot community. As long as that feeling of paranoia existed, the question of Cyprus could not be settled.

21. Mr. EFTYCHIOU (Observer for Cyprus) said that he preferred the opinion of the rest of the international community to the diagnosis by the observer for Turkey. The document signed by Mr. Denktas provided that the Turkish community scattered throughout the island would be concentrated by force in an area whose size would depend on strategic expert plans. The Turkish authorities had intended to request the United Nations to partition the island. The observer for Turkey would certainly find details in his country on the plans his Government had drawn up for Cyprus at the time of the document in question.

22. Mr. DEMBRI (Observer for Algeria) said that he rejected Amnesty International's old-fashioned rhetoric and simplistic methodology; it used unconfirmed information and anonymous testimony, with no possibility of open debate. He deplored the fact that Amnesty International had wanted to engage in confrontation. He respected what that organization had been at the time of Sean McBride, who had made it a meeting place between cultures and civilizations, but it was now headed by ridiculous buffoons who had built up a bureaucratic system that practised slanderous denunciation and produced sycophantic letter-writers. What possible moral and intellectual authority could Amnesty International now have?

23. The International Federation of Human Rights also had no place in the Commission's hallowed precincts. What right did it have to preach to States when, from 1922, when it had been established, to 1962, it had supported colonialists' rights rather than those of colonized peoples?

24. Mr. EL KHAZEN (Observer for Lebanon), referring to the statement made by the observer for Israel on Security Council resolution 425 (1978) and the withdrawal of the Israeli army from southern Lebanon in exchange for security arrangements, said that his Government categorically rejected the conditions that Israel set for the withdrawal of its troops, stressing that the Israeli proposal violated Lebanon's sovereignty and that resolution 425 (78) did not provide for security arrangements. The aim of the Government of Israel in trying to get the Lebanese security forces to act was to strengthen its security; its proposal was even an invitation to punish the resistance which had defended Lebanon and to compensate those who had defended Israel. The Government of Israel was thus trying to regain prestige in the eyes of the international community. It was regrettable that the observer for Israel had not referred to the fate of prisoners in Israeli prisons, who were being subjected to torture, or to the decision by the Israeli High Court, which regarded prisoners as hostages and bargaining chips.

25. Mr. GILL (India) said that he totally rejected the Pakistan delegation's baseless allegations. Pakistan had a single obsession, that of misusing the Commission as an arena for disseminating falsehoods about India. Its attitude

was obviously dictated by political considerations, since its statements were immediately publicized by the Pakistani media. The violence of its reactions to any criticism addressed to it in the Commission was not surprising; Pakistan's scant attention to the human rights of its citizens was well known. Pakistan was the prime source of ideologies of intolerance, bigotry and violence. It sustained and financed, in an integral part of India, an armed militancy comprised mainly of foreign mercenaries who were continuing to target innocent Indian citizens. Pakistan's ideology of propagating violence, together with its practices of discrimination against minorities and women, had been exported with devastating effect, inter alia, through its connection with groups which had little respect for human rights. It was time for the Commission to recognize those facts and to hold Pakistan accountable.

26. Ms. JANJUA (Pakistan) said that the lies told by the Indian delegation year after year were designed to avoid any discussion of the way in which India was violating the fundamental rights of the Kashmiri people. India was the only post-colonial Power which continued to deny another people the right to self-determination. The human rights situation in India was appalling. The reports of the Special Rapporteur on torture and the Special Rapporteur on extra-judicial, summary or arbitrary executions, as well as reports from non-governmental organizations, spoke for themselves. Six hundred thousand terrorists in Indian uniform were fighting in Kashmir and perpetrating the worst kinds of human rights violations there. In view of that situation, it was surprising that India should assume the role of a victim. A leader of the BJP, the party in power in India, had taken it upon himself to say that, if the Muslims failed to behave properly, they should be treated as the Jews had been treated in Germany. Such statements were far removed from the tolerance that India advocated. If all was well in Kashmir, as the Indian delegation would have it, why was the Indian Government keeping troops there and why did it persist in refusing an impartial inquiry in Kashmir under United Nations auspices?

27. Mr. NSEIR (Observer for the Syrian Arab Republic) said that, at the preceding meeting, Israel had denied making statements based purely and simply on disinformation. Yet it was plain that all of Israel's statements were based on lies. When Israel said it was prepared to negotiate with the Syrian Arab Republic without any preconditions, its sole aim was to undermine the process begun in Madrid in 1991 in the framework of the Peace Conference on the Middle East. The Syrian Arab Republic, for its part, wanted nothing but peace in conformity with United Nations resolutions and the principle of "land for peace", which was predicated on Israel's complete withdrawal from the occupied Syrian Golan and compliance with all other relevant undertakings. The decisions of the Israel Cabinet had robbed Security Council resolution 425 (1978), which called for Israel's withdrawal from Southern Lebanon and the Bekaa region, of all meaning. The Syrian Arab Republic believed that the path to real peace was clear and that it must, of necessity, pass through Damascus.

28. Mr. PINHEIRO (Special Rapporteur on the human rights situation in Burundi) thanked the observer for the United Republic of Tanzania for his comments on his report (E/CN.4/1998/72 and Add.1) and for his acknowledgment of the report's objectivity, in particular with regard to security, executions and deliveries of weapons. He wished to make it clear, however, that he had

no mandate in connection with the maintenance or suspension of sanctions against Burundi; the most he could do was to note the effects of those sanctions on the status of economic, social and cultural rights in the country. Accordingly, he had not supported any position on the question of sanctions and had merely expressed the view that he still thought the establishment of an evaluation mechanism would be wise.

29. The CHAIRMAN said that the Commission had thus completed the general debate on agenda item 10.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 20) (E/CN.4/1998/99, 100, 101 and Add.1 and 2, 102, 103 and 119; E/CN.4/1998/NGO/2 and 38; CRC/C/66 and 69)

30. Ms. SANTOS PAIS (United Nations Children's Fund) said that the Convention on the Rights of the Child, which had been ratified by 191 States, was a striking illustration of the universality of human rights. Only two countries had failed to ratify the Convention, which had promoted an undeniable movement of social change in favour of the child and its rights. The recent publication by UNICEF of an implementation handbook for the Convention would help to promote information and awareness concerning the problems of children and would help Governments to bring the principles of the Convention into reality. The Convention also provided UNICEF with an opportunity to promote the mainstreaming of children's rights throughout the activities of the United Nations.

31. Children's rights could not be confined to a specific area or sector. UNICEF therefore welcomed the timid trend in the Commission to consider the fundamental rights of children under different items on the agenda. It was particularly encouraged by the emphasis placed on the right to education under the heading of the realization of economic, social and cultural rights and warmly welcomed the proposal for the appointment of a Special Rapporteur on the right to education. It noted, however, that children were absent from many other discussions, such as those on torture, arbitrary detention and disappearances, and country reports. Unfortunately, that did not mean that children were not suffering from human rights violations, but, rather, that their fate was being ignored. The tragedy of children abducted from Uganda was just one example. UNICEF therefore endorsed the idea of reforming the Commission's agenda in such a way that children's rights would be considered

under all relevant items and it supported the drafting of an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. The rights of the child dimension should also be taken into consideration in the context of the drafting of the statute of the future international criminal court.

32. Issues involving children were coming increasingly to the forefront of the international community's attention. UNICEF therefore believed that the universality of the Convention on the Rights of the Child offered the United Nations a golden opportunity to make the human rights of children the cornerstone of its work in the next millennium.

33. Ms. CALCETAS-SANTOS (Special Rapporteur on Sale of Children, Child Prostitution and Child Pornography), recalling that her previous report (E/CN.4/1997/95) had focused mainly on the role of the judicial system as the first catalyst for the protection of children, said that the present year's report (E/CN.4/1998/101 and Add.1 and 2) dealt with the impact of the media and education on children's rights on the basis of information received from Governments, United Nations bodies and agencies and non-governmental organizations. The report also referred to the international legal framework with a view to achieving a clearer appreciation of certain rights which might be perceived as mutually contradictory, such as the right of children to information and their right to protection from exploitative situations.

34. So far as the role of the traditional media was concerned, she had concentrated on the three main areas identified by the Committee on the Rights of the Child, namely, child participation in the media, protection of the child against harmful influences through the media and respect for the integrity of the child in media reporting. Attention was drawn to certain disturbing developments which suggested that, in trying to prevent abuses against children, it was important not to lose sight of certain basic rights of the defendant and especially the right to be presumed innocent.

35. The report contained an extensive analysis of the role of new technologies, particularly the Internet, in the commercial sexual exploitation of children. The main developments and initiatives taken both nationally and internationally were summarized. Various solutions being explored, such as parental regulation, self-regulation by the industry and governmental regulation, were also discussed.

36. Education, whether formal or informal, was identified as the other key factor in the prevention of the sexual exploitation of children and in their recovery and/or reintegration. It was important that such education should reach all sectors of society, including policy makers. There again, the report referred to developments and initiatives at the national and international levels.

37. In 1997, she had conducted country visits to Kenya and Mexico (E/CN.4/1998/101/Add.1 and 2, respectively) in order to inquire into the situation with regard to the commercial sexual exploitation of children in those countries. She thanked the Governments of those two countries for their cooperation.

38. A delegation of 36 children and young people from a number of countries, all of whom had been sexually exploited as minors, had attended the Summit of Sexually Exploited Children and Youth held in Victoria, Canada, from 7 to 12 March 1998. Their presence had given fresh meaning to the right to participation granted to the child under various provisions of the Convention. The young people had adopted a declaration urging that the term "child or youth prostitute" should no longer be used; they had been sexually exploited and any language or reference to them should reflect that belief. The declaration further stated that the commercial sexual exploitation of children and youth was a form of child abuse and slavery; all children and young people had the right to be protected from all forms of abuse, exploitation and the threat of abuse, harm or exploitation. It proclaimed that the commercial exploitation of children and young people should no longer be financially profitable, that all children and young people had the right to know their rights and that the issue of child and youth sexual exploitation must be treated as a global priority. Nations should not only hold their neighbours accountable, but should also acknowledge their own shortcomings. Lastly, the declaration stated that Governments were under an obligation to create laws which reflected the principle of zero tolerance of all forms of abuse and exploitation of children and young people.

39. In response to that challenge, she proposed, as a start, that the title of her own mandate should be changed to something along the lines of "Special Rapporteur on Child Victims of Trafficking and/or Commercial Sexual Exploitation". The United Nations should take the lead in giving higher priority to matters concerning children and in mainstreaming measures for their protection, particularly within the framework of the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance scheduled to take place in 2001. Lastly, coordination between different departments and agencies of the United Nations family should be improved, for example, as far as technical cooperation activities were concerned.

40. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

41. Ms. PEREZ DUARTE Y NOROÑA (Mexico) said that her Government would carefully consider the conclusions and recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography contained in the report on her mission to Mexico (E/CN.4/1998/101/Add.2). Mexico was convinced that, to combat those practices, education, training and communication had to be promoted at all levels and the silence of society must be broken, for in Mexico as everywhere else, it was still the chief accomplice of the perpetrators of such acts.

42. Although the Special Rapporteur had had occasion to see what measures were being implemented in that regard in Mexico, especially within the framework of the administration of justice, some aspects had apparently not been made sufficiently clear, especially as far as the identification and punishment of the perpetrators of abuses and the consular protection of Mexican minors in difficulty abroad. As the Special Rapporteur rightly emphasized, collaboration between government agencies and NGOs were essential in order to combat the practices in question.

43. The Special Rapporteur had also learned about the far-reaching process of reforms undertaken with a view to adapting the Mexican legal system to international standards relating to the rights of the child. That process, which had begun two years earlier with the participation of government agencies at all levels, the educational system and NGOs, had already resulted in a review of the Civil Code and the Penal Code of the Federal District aimed at preventing violence in the family and drafting an Act to that effect.

44. With regard to the initiative known as "Casa del Arbol" ("Children's House"), the Special Rapporteur had not seen any concrete results at the time of her visit, but the project had made progress. Over 400 children came daily to the house, where efforts were being made to teach them fundamental values such as dignity, justice, peace, respect, liberty and provide them with information on the basic rights of the child. The Human Rights Commission of the Federal District and a non-governmental agency were also working on a project for an itinerant children's house, which was to travel all over the country. UNICEF was also interested in the project, which could be copied in other parts of the world.

45. To build a better world for children, Mexico was participating at the international level in the work of the Working Group on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on involvement of children in armed conflicts.

46. Mr. ELIASSON (Chairman/Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts), introducing the report of the Working Group (E/CN.4/1998/102), said that virtually no progress had been achieved at the Working Group's fourth session. In view of the unwillingness of certain delegations to agree on solutions to some problems before it was known how other issues would be settled, it had been decided to cut the session short. Although the stalemate in the Working Group had been obvious at the very first meeting, delegations had agreed to hold informal consultations to produce a "Chairman's Perception" of points on which near-consensus existed.

47. Although near-consensus had unfortunately not been achieved on the entire draft paper, the impression had been confirmed that only a very small number of negotiating delegations had serious problems with texts which were acceptable to the majority. He had therefore taken it as his point of departure in the consultations that the most essential article in the optional protocol, that on the participation of children in hostilities, must establish an 18-year age limit, and the other provisions would be drafted on that basis. If the other provisions could not be agreed, it might be necessary to consider an optional protocol containing only one substantive article dealing with the only really crucial issue, that of participation in hostilities. However, that option had not been considered by the Working Group.

48. The Chairman's Perception (annex II to the report) thus provided for an 18-year age limit for participation in hostilities, an 18-year age limit for compulsory recruitment into the armed forces of States parties, a 17-year age limit for any recruitment into the armed forces of States parties, and an 18-year age limit for recruitment into armed groups, distinct from the armed

forces of a State, which were parties to an armed conflict. While it had been foreseeable that consensus would not be achieved on an 18-year limit for participation in hostilities, he had been surprised and disappointed to find that full consensus no longer existed on setting an 18-year age limit for compulsory recruitment into the armed forces of a State party, an issue which he and most other participants had believed had been settled the previous year. It was clear to him and, no doubt, to all the negotiators that a straight 18-year limit in all provisions was strongly favoured by an impressive number of delegations. Others, however, favoured a straight 17-year limit in all provisions, while others still were willing to accept a combination of the two.

49. In conclusion, he said that the Chairman's Perception resulting from the informal consultations offered the best solution that could be achieved at present. Even that text, however, was predicated on some delegations, at least, deciding not to stand in the way of a new instrument favoured by so many.

50. Mr. MORA GODOY (Chairman/Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography), introducing the report of the Working Group (E/CN.4/1998/103), said that, at its fourth session, the Working Group had dealt with the chapters of the draft protocol relating to definitions, penalization of offenders and protection, and prevention, assistance and compensation. While some progress had taken place in that a consensus now existed on the idea of having a protocol at all and some delegations which originally had not wanted any definitions to be included in the text had changed their minds, the slowness of the negotiations and the continuing presence of some apparently irreconcilable differences were discouraging.

51. There were several obstacles preventing the Working Group from concluding its work. The main one arose from a fundamental difference of views among delegations concerning the Group's mandate. Some delegations thought that the protocol should deal with a limited concept of the sale of children confined to purposes of sexual exploitation, while others considered that the Working Group's mandate should be interpreted on the basis of the Convention, which adopted a broader definition of the sale of children. The issue came within the jurisdiction of the Commission, which would have to adopt a decision on that point. He invited the delegations sponsoring the draft resolution on the Group's mandate to try to find wording which would help to settle that basic problem.

52. Another obstacle - one that arose in all negotiations - was that the progress achieved was precarious and constantly being revised, thus wasting time. That problem could be satisfactorily solved only by giving serious consideration to the positions held by various delegations and deciding that any consensus, once it had been achieved, could no longer be challenged. Furthermore, the priority task of harmonizing the chapters relating, respectively, to definitions and to penalization, would largely depend on the decision that would be taken with regard to the orientation and scope of the protocol. Some delegations which wanted to limit the scope of the draft protocol had invoked the existence of other instruments and negotiations aimed

at preparing international instruments, for example in the ILO. In his own view, such efforts were mutually complementary rather than contradictory.

53. The Working Group had set the year 2000 - the tenth anniversary of the Convention and of the Summit on Children - as the target date for the conclusion of its work. There was thus little time left for settling a large number of problems, but that should be seen by everyone as an encouragement to redouble their efforts. It would be desirable to hold consultations before the end of the year with a view to starting up fresh negotiations within the Working Group. Despite the extensive support enjoyed by the draft protocol, the need to adopt such an instrument did not seem to have really taken root in international awareness. NGOs, the international press and the United Nations system should play a more active role in publicizing the Working Group's objectives, the progress achieved and the difficulties encountered. Delays in the drafting of the protocol allowed the detestable practices against children that were to be eradicated to increase. The children, for their part, could not wait.

54. Mr. TAPIA (Chile) said the large number of countries which had ratified the Convention on the Rights of the Child made it an almost universal instrument. However, the Convention suffered from certain omissions, at least in two particularly important areas, the sale of children, child prostitution and child pornography, on the one hand, and the involvement of children in armed conflicts, on the other. The slow progress being made by the two Working Groups gave rise to concern, considering the importance of the problems involved, and his delegation hoped that it would be possible to move forward towards consensus, although prospects of achieving a consensus now seemed remote. He congratulated the Uruguayan delegation on its efficient conduct of the negotiations on the draft resolution to be submitted to the Commission and trusted that the text could be adopted by consensus.

55. At the national level, Chile was making efforts, with the assistance of the ILO and UNICEF, to eradicate child labour and hoped to have achieved that goal by the end of the century. On the occasion of the visit of the United Nations Secretary-General in November 1997, the President of Chile had publicly given a solemn undertaking to submit ILO Convention No. 138 on the minimum working age to Parliament for ratification and to participate actively in discussions on the drafting of a new ILO convention on child labour. Under the educational reforms being introduced by Chile, it was planned to increase teaching hours, to take steps to reduce the school drop-out rate and to give pupils the best possible preparation for their entry into the world of work. The ministries of health, education and the advancement of women were coordinating their activities with a view to combating social problems such as domestic violence and the phenomenon of street children, which, although not as serious or extensive as in other countries, were nevertheless matters of concern.

56. Poverty and unemployment, as well as domestic violence, corruption and the deteriorating social situation, were the underlying causes of the severe problems affecting children. Those were universal phenomena, which were putting the future of mankind at risk and the international community should join forces in order to tackle them in a concerted way.

57. Mr. AKAO (Japan) said that, as the world had been reminded by the theme song of the Olympic Games in Nagano, "Children make the world", children represented mankind's hope for a better world. However, they were also one of the most vulnerable groups in society and the international community still had much to do to protect their rights. The universal nature of the Convention would help consolidate the international framework needed to ensure that protection. With a view to bringing its legislation better into line with the spirit of the Convention, Japan had recently made several amendments to its Child Welfare Law.

58. The question of violations of the rights of the child in periods of armed conflict was of the gravest concern. In an armed conflict, it was children who were the least able to protect themselves and, even when their lives were spared, they suffered long-term socio-economic and psychological effects. His delegation welcomed the appointment of the Special Representative of the Secretary-General for children in armed conflict and hoped that he would play a critical role in that area. Regarding the recruitment of children, it urged all parties to armed conflict to comply strictly with provisions of international law prohibiting the recruitment of children under 15 years of age. Since Japan believed that the minimum age in that regard should be set at 18, it would continue to participate in the work of the Working Group on a draft optional protocol on involvement of children in armed conflicts. It had increased its bilateral assistance and support to NGOs with a view to improving the education, health and nutrition of children in armed conflicts and was cooperating with international organizations involved in helping such children. In addition, it was making efforts to promote a universal ban on anti-personnel landmines and, in December 1997, had signed the Convention governing that issue. It had undertaken to contribute 10 billion yen over the next five years to mine-clearing activities and assistance to victims.

59. In order to overcome problems concerning the sale of children, child prostitution and child pornography, it was necessary to strengthen not only national monitoring measures, but also international cooperation. Japan was endeavouring to ensure effective enforcement of its legislation, while cooperating at the international level with investigations to punish those responsible for the sexual exploitation of children, whether Japanese or from abroad. Following the World Congress in Stockholm, it had launched a campaign to raise awareness of the issue of child prostitution, particularly by contributing to the financing of an international symposium against the commercial sexual exploitation of children organized by the Japanese Committee for UNICEF and the Swedish Embassy in Japan. He also welcomed the convening in the Philippines in November 1997 of an international conference on the trafficking and commercial sexual exploitation of women and children. A bill was currently being drafted to strengthen Japanese legislation on the sexual exploitation of children and child pornography. Lastly, Japan was continuing to support the Working Group on a draft optional protocol on the sale of children, child prostitution and child pornography.

60. In conclusion, he said that no effort should be spared to improve the situation of children, since it was on them that the future of civilization depended.

61. Mr. ACEMAH (Uganda) said he shared the view of the Special Representative of the Secretary-General for children in armed conflict that the most pressing challenge today was to translate the formidable body of international instruments into action that could make a tangible difference to the fate of children exposed to danger on the ground (E/CN.4/1998/119). Uganda had signed and ratified the Convention on the Rights of the Child, as well as the African Charter on the Rights and Welfare of the Child. In 1992, it had established the National Council of Children and had adopted a national plan of action for children. In 1996, it had enacted the Children's Statute, based on the provisions of the Convention. The Government was making efforts to improve the coordination of the activities of various bodies responsible for the welfare of children and to strengthen institutional capacities. It would need additional resources for that purpose and would appreciate assistance from its development partners. Since 1997, corporal punishment in schools had been abolished and free primary education introduced for up to four children per family.

62. Children represented a very large part of the population in Uganda and the Government was aware of its responsibility to guarantee their security. However, it needed the assistance of the international community to bring to an end the reign of terror perpetrated by the Lord's Resistance Army (LRA), which was abducting, torturing, raping, mutilating, enslaving and killing innocent children in the north of the country with impunity. According to estimates, between 8,000 and 10,000 children would appear to have been abducted by the LRA. As had been pointed out by the Deputy Executive Director of UNICEF, such deliberate atrocities against children were without parallel. They constituted one of the most serious violations of children's rights in the world today. The LRA, claiming to establish a theocratic State in Uganda governed by the Ten Commandments, routinely broke those commandments, beginning with the one stating "Thou shall not kill".

63. His delegation urged the international community to take decisive action to condemn that outrage in the strongest possible terms, to request that it be brought to an end and to demand the release of the children held hostage by the LRA for several years. It called on it to adopt the draft resolution on the matter, which, in its view, did not establish any precedent. He thanked all those who had given assistance to the families of abducted children and the Government for its efforts to find a lasting solution to the tragedy and emphasized that the international community had a moral obligation to respond to the plight of the thousands of children abducted in Uganda.

64. Mrs. GLOVER (United Kingdom), speaking on behalf of the European Union (EU), associated countries of Central and Eastern Europe, and Cyprus, said that, now that the Convention on the Rights of the Child had been ratified by almost all countries, the time had come to endeavour to ensure that the obligations entered into by State parties were respected. It was not enough to create a framework of national legislative and administrative measures to protect the rights of the child. There was also a need to ensure that those measures were known and understood and were effectively enforced. States parties should also review the reservations they had made to the Convention with a view to withdrawing them. In any event, reservations made should never be incompatible with the object and purpose of the Convention and should be formulated as precisely and narrowly as possible. The EU called on

member States to cooperate fully with the Special Rapporteur on the sale of children, child prostitution and child pornography, with the Special Representative of the Secretary-General for children in armed conflict and with the Committee on the Rights of the Child and to implement the latter's recommendations. Measures to raise awareness of the rights of the child, including awareness on the part of children themselves, as well as the dissemination of the text of the Convention and of reports related thereto, were very important, and the role of NGOs was essential in that regard.

65. In order to defend and promote the rights of the girl child, eliminate obstacles to her development and protect her from all forms of discrimination, the Beijing Declaration and Platform for Action should be urgently implemented and women should be taken into consideration in all policies and programmes. In addition, all States should take measures to improve the situation of children with disabilities and should ensure their social integration and participation. The EU welcomed the efforts made by the Special Rapporteur on disabilities of the Commission for Social Development on behalf of children with disabilities.

66. Concerning child labour, she believed that the conclusions of the Oslo International Conference would be useful in developing strategies for children and families with a view to eliminating child labour. However, the development of such strategies required broad-based political commitment and a willingness to work with children in their social context. The European Union welcomed the decision of the ILO governing body to place the question of the consideration and possible adoption of a declaration on fundamental human rights on the agenda of the 1998 International Labour Conference, as well as the decision to open a discussion on the drafting of a convention aimed at eradicating the most intolerable forms of child labour.

67. The reports of the Special Rapporteur on the sale of children, child prostitution and child pornography gave important guidance to States, and the EU supported the renewal of her mandate. In line with the Agenda for Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children, Governments should adopt practical measures to combat that problem as a matter of priority and action at the national level should be reinforced by international cooperation. The European Regional Conference on the Sexual Exploitation of Children was to take place in Strasbourg on 28-29 April under the auspices of the Council of Europe as part of the follow-up to the Stockholm Agenda for Action and she invited States in other regions to take similar initiatives. Leaders of 25 countries of the European Union and Asia, as well as the European Commission, meeting at the Second Asia-Europe Summit in early April, had approved a joint initiative on child protection designed to establish a framework for practical cooperation between Asia and Europe in combating the sexual exploitation of children. Representatives of the police, child protection experts and NGOs were to meet in London in October. The EU urged the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography to redouble its efforts with a view to the completion of the draft before the tenth anniversary of the Convention and to show maximum flexibility in its working methods so that that goal could be achieved.

68. Responsibility for ending violations of the rights of the child in periods of conflict rested not only with Governments, but also with non-governmental groups involved in such conflicts, and those groups should respect international humanitarian standards. The EU welcomed the appointment of the Secretary-General's Special Representative for children in armed conflict, an appointment which should help foster concerted international action, and called upon Governments and all relevant United Nations bodies to support his work. It believed that the statute of the future International Criminal Court should include a provision on war crimes in order to help prevent the use of children as soldiers.

69. The European Union, which had reaffirmed its determination to ensure the complete elimination of anti-personnel landmines by deciding in 1997 to extend its moratorium on the export of such mines to include imports and production, welcomed the conclusion of the Ottawa Convention. It was greatly concerned to note that the Working Group on the draft optional protocol on involvement of children in armed conflicts had been unable to finalize such a protocol at its fourth session. In order to have sufficient time for consultations, the Working Group should hold its next session prior to the fifty-sixth session of the Commission in the year 2000. The EU strongly urged the member countries of the Working Group which had difficulties with the text to reconsider their position carefully and to participate constructively in negotiations in order to enable the text to be finalized.

70. In conclusion, the European Union called on special rapporteurs and working groups to keep in mind the interests of children in the course of their work and requested all States parties to seek ways of integrating considerations relating to children into their laws, programmes and policies with a view to achieving universal protection of the rights of the child.

71. Mr. Selebi (South Africa) resumed the Chair.

72. Mrs. FURTER (Venezuela), referring to the Convention on the Rights of the Child, said that she would comment only on the situation of children and adolescents who had behavioural problems, took part in criminal acts or directly infringed the penal law, as well as their recovery and social reintegration (arts. 37, 39 and 40 of the Convention). States parties to the Convention were required to set up legislation, procedures, authorities and institutions specially designed for minors. The consideration of reports submitted by States parties to the Committee on the Rights of the Child showed that the implementation of the relevant provisions of that instrument left much to be desired. In that connection, it was worrying that, in certain countries, minors were still labelled as delinquents or prostitutes and treated as such, whereas, in most cases, they were merely victims.

73. An exchange of ideas between States parties, members of the Committee and civil society could do much to ensure better implementation of the Convention in general and of articles 37, 39 and 40 in particular. Since the Convention had 191 States parties, the Committee's experts might have some difficulty in appreciating the problem in all its diversity. States parties should therefore ratify the amendment to article 43, paragraph 2, increasing the number of Committee members from 10 to 18, and the Commission on Human

Rights should make a thorough study of the implementation of articles 37, 39 and 40 of the Convention so that the necessary measures could be adopted.

74. With regard to the sale of children, child prostitution and child pornography, Venezuela was convinced that the best way to prevent such practices was to ensure the exercise of economic, social and cultural rights. Human nature being what it was, however, it was also essential to impose severe penalties on any adult profiting from the exploitation of minors or, in other words, to give effect to the provisions of articles 35 and 36 of the Convention. To that end, Venezuela would continue to participate actively in the preparation of the optional protocol, which it believed should be as wide in scope as possible to enable States parties to punish severely any adult guilty of the crimes concerned. At the same time, it would continue to make efforts to mobilize the resources required for the rehabilitation of children who were victims of such practices.

75. Her delegation was also following with great interest the work being done on a draft optional protocol to the Convention on the involvement of children in armed conflicts and would do all it could to ensure that negotiations were concluded at the forthcoming session.

76. As a sponsor of the draft resolution on the rights of the child, Venezuela hoped that the text adopted would strengthen the principles embodied in the Convention. One of the great merits of that instrument was its global approach to the protection of the child and, in that connection, it was extremely important to make sure that all related questions, especially the situation of minors who were in conflict with the law or deprived of their liberty, were considered in the context of the rights of the child.

77. Mr. OTERMIN (Uruguay) said that his country had always been a strong defender of the rights of the child. It was aware of the important role of education in eliminating social inequalities and had accordingly made the principle of free education at all levels a reality at a very early stage. Following the reforms of 1995, emphasis had been placed on pre-school education, which was now available to an increasing number of children: it was soon to be extended to all and made compulsory. In addition to those institutional changes, steps had been taken to assist children who belonged to the most vulnerable population groups and who now benefited from programmes providing diet supplements and full-time schooling. Significant results had also been achieved in the health field, where pregnancy and birth monitoring programmes and prenatal services had substantially reduced infant mortality rates.

78. At the international level, Uruguay was participating actively in the preparation of two draft optional protocols to the Convention on the Rights of the Child. With regard to the activities of the Working Group on a draft protocol on the sale of children, child prostitution and child pornography, Uruguay hoped that the international community would take measures preventing the sale, trafficking or abduction of children for whatever purpose, not only for purposes of sexual exploitation. Within the Working Group on a draft optional protocol on involvement of children in armed conflicts, his delegation was urging that the minimum age set in article 38 of the Convention for taking part in hostilities and joining the armed forces should be raised

to 18 years. When ratifying the Convention, Uruguay had taken a firm stand on the matter and, in fact in Uruguay, no child who had not reached the age of 18 could be recruited to the armed forces.

79. As shown by events that occasionally made headline news, today's society unfortunately seemed increasingly far removed from the principles embodied in the Convention and, in particular, from the provisions of article 29 relating to education. In the United States two children of 11 and 13 years of age had recently opened fire with high-calibre weapons on their classmates, causing a number of deaths. That incident had been largely the result of the cult of violence instilled in children through television and the cinema. It was high time for the international community to tackle that serious problem by ensuring that a "peace culture" replaced the existing cult of violence.

The meeting rose at 6 p.m.